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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ILLUMINA, INC. and
ILLUMINA CAMBRIDGE LTD.,

Plaintiffs,

v.

BGI GENOMICS CO., LTD.,
BGI AMERICAS CORP.,
MGI TECH CO., LTD.,
MGI AMERICAS, INC., and
COMPLETE GENOMICS INC.,

Defendants.

Case No. 3:19-cv-03770-WHO (TSH)

Case No. 3:20-cv-01465-WHO (TSH)

**PLAINTIFFS' REVISED PROPOSED
VERDICT FORM**

PLAINTIFFS' PROPOSED VERDICT FORM

**CASE No. 3:19-CV-03770-WHO
CASE No. 3:20-CV-01465-WHO**

1 COMPLETE GENOMICS INC.,
2 Counterclaim-Plaintiff,
3 v.
4 ILLUMINA, INC. and ILLUMINA
5 CAMBRIDGE LTD.,
6 Counterclaim-Defendants.

1 When answering the following questions and filling out this Verdict Form, please follow the
2 directions provided throughout the form. Your answer to each question must be unanimous. Some of
3 the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please
4 refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears
5 in the questions below.

6 As used herein:

- 7 1. "Plaintiff" or "Illumina" refers to Illumina, Inc. and Illumina Cambridge Ltd.
8 2. "Defendant" or "Defendants" refers to BGI Genomics Co. Ltd., BGI Americas Corp.,
9 MGI Tech Co., Ltd., MGI Americas, Inc., and Complete Genomics, Inc.

10
11 We, the jury, unanimously agree to the answers to the following questions and return them under
12 the instructions of this court as our verdict in this case.

FINDINGS ON INFRINGEMENT

(Instruction Nos. _____)

The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.

~~It is undisputed that the Defendants directly infringed the Asserted Claims of each of the Asserted Patents in this case.⁺~~

A. U.S. Patent No. 7,541,444 (the "444 Patent")

~~1. Has Illumina proven that it is more likely than not that Defendants directly infringed any of the following claims of the '444 Patent?~~

~~This question has been completed for you so as to reflect the Court's earlier finding that Defendants directly infringed the claims below.~~

	Yes (Illumina)	No (Defendants)
a. Claim 3	✓	

~~2.1. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the '444 Patent?~~

~~For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).~~

	Yes (Illumina)	No (Defendants)
a. Claim 3	_____	_____

~~3.2. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the '444 Patent?~~

~~For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).~~

	Yes (Illumina)	No (Defendants)
a. Claim 3	_____	_____

~~⁺ [Illumina has proposed two alternative methods by which to indicate to the jury that direct infringement by BGI is undisputed in this case. This instruction is the first alternative. The second alternative is to include a question on direct infringement for each patent that is pre-filled with a check mark in the "Yes" column to indicate that direct infringement is has been established and is undisputed. See Questions 1, 4, 7, 10, 13.]~~

PLAINTIFFS' PROPOSED VERDICT FORM

2

CASE NO. 3:19-CV-03770-WHO
CASE NO. 3:20-CV-01465-WHO

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B. U.S. Patent No. 7,771,973 (the “’973 Patent”)

~~4. Has Illumina proven that it is more likely than not that Defendants directly infringed any of the following claims of the ’973 Patent?~~

~~This question has been completed for you so as to reflect the Court’s earlier finding that Defendants directly infringed the claims below.~~

		Yes (Illumina)	No (Defendants)
a.	Claim 13	_____ ✓ _____	_____

~~5.3. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’973 Patent?~~

~~For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).~~

		Yes (Illumina)	No (Defendants)
a.	Claim 13	_____	_____

~~6.4. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’973 Patent?~~

~~For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).~~

		Yes (Illumina)	No (Defendants)
a.	Claim 13	_____	_____

C. U.S. Patent No. 7,566,537 (the “’537 Patent”)

~~7. Has Illumina proven that it is more likely than not that Defendants directly infringed any of the following claims of the ’537 Patent?~~

~~This question has been completed for you so as to reflect the Court’s earlier finding that Defendants directly infringed the claims below.~~

	Yes (Illumina)	No (Defendants)
a. Claim 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Claim 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Claim 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>

~~8.5. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’537 Patent?~~

~~For each asserted claim, please check “Yes” (for Illumina) or “No” (for Defendants).~~

	Yes (Illumina)	No (Defendants)
a. Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
b. Claim 4	<input type="checkbox"/>	<input type="checkbox"/>
c. Claim 6	<input type="checkbox"/>	<input type="checkbox"/>

~~9.6. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’537 Patent?~~

~~For each asserted claim, please check “Yes” (for Illumina) or “No” (for Defendants).~~

	Yes (Illumina)	No (Defendants)
a. Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
b. Claim 4	<input type="checkbox"/>	<input type="checkbox"/>
c. Claim 6	<input type="checkbox"/>	<input type="checkbox"/>

D. U.S. Patent No. 9,410,200 (the “’200 Patent”)

~~10. Has Illumina proven that it is more likely than not that Defendants directly infringed any of the following claims of the ’200 Patent?~~

~~This question has been completed for you so as to reflect the Court’s earlier finding that Defendants directly infringed the claims below.~~

		Yes (Illumina)	No (Defendants)
a.	Claim 11	✓	
b.	Claim 19	✓	

~~11.7. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’200 Patent?~~

~~For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).~~

		Yes (Illumina)	No (Defendants)
a.	Claim 11		
b.	Claim 19		

~~12.8. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’200 Patent?~~

~~For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).~~

		Yes (Illumina)	No (Defendants)
a.	Claim 11		
b.	Claim 19		

E. U.S. Patent No. 10,480,025 (the “’025 Patent”)

~~13. Has Illumina proven that it is more likely than not that Defendants directly infringed any of the following claims of the ’025 Patent?~~

~~This question has been completed for you so as to reflect the Court’s earlier finding that Defendants directly infringed the claims below.~~

		Yes (Illumina)	No (Defendants)
a.	Claim 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Claim 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Claim 27	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Claim 31	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Claim 33	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Claim 34	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Claim 42	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h.	Claim 47	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i.	Claim 50	<input checked="" type="checkbox"/>	<input type="checkbox"/>

~~14.9. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’025 Patent?~~

~~For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).~~

		Yes (Illumina)	No (Defendants)
a.	Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
b.	Claim 9	<input type="checkbox"/>	<input type="checkbox"/>
c.	Claim 27	<input type="checkbox"/>	<input type="checkbox"/>
d.	Claim 31	<input type="checkbox"/>	<input type="checkbox"/>

Yes (Illumina) No (Defendants)

e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

45.10. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the '025 Patent?

For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).

Yes (Illumina) No (Defendants)

a.	Claim 1	_____	_____
b.	Claim 9	_____	_____
c.	Claim 27	_____	_____
d.	Claim 31	_____	_____
e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

FINDINGS ON INVALIDITY

(Instruction Nos. _____)

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The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

A. The '444 Patent

~~16~~11. Have Defendants proven by clear and convincing evidence that any of the following claims of the '444 Patent are invalid as obvious?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 3 _____

B. The '973 Patent

~~17~~12. Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid as obvious?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 13 _____

~~18~~13. Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid for failure to satisfy the written description requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 13 _____

~~19~~14. Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid for failure to satisfy the enablement requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 13 _____

C. The '537 Patent

20-15. Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid as obvious?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 1 _____

b. Claim 4 _____

c. Claim 6 _____

21-16. Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid for failure to satisfy the written description requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 1 _____

b. Claim 4 _____

c. Claim 6 _____

22-17. Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid for failure to satisfy the enablement requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 1 _____

b. Claim 4 _____

c. Claim 6 _____

D. The '200 Patent

~~23-18.~~ **Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid as obvious?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
a. Claim 11	_____	_____
b. Claim 19	_____	_____

~~24-19.~~ **Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid for failure to satisfy the written description requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
a. Claim 11	_____	_____
b. Claim 19	_____	_____

~~25-20.~~ **Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid for failure to satisfy the enablement requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
a. Claim 11	_____	_____
b. Claim 19	_____	_____

E. The '025 Patent

~~26-21.~~ **Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid as obvious?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
a. Claim 1	_____	_____

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		Yes (Defendants)	No (Illumina)
b.	Claim 9	_____	_____
c.	Claim 27	_____	_____
d.	Claim 31	_____	_____
e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

~~27-22.~~ **Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid for failure to satisfy the written description requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

		Yes (Defendants)	No (Illumina)
a.	Claim 1	_____	_____
b.	Claim 9	_____	_____
c.	Claim 27	_____	_____
d.	Claim 31	_____	_____
e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

1 28, 23. Have Defendants proven by clear and convincing evidence that any of the following claims
2 of the '025 Patent are invalid for failure to satisfy the enablement requirement?

3 For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

4		Yes (Defendants)	No (Illumina)
5	a. Claim 1	_____	_____
6	b. Claim 9	_____	_____
7	c. Claim 27	_____	_____
8	d. Claim 31	_____	_____
9	e. Claim 33	_____	_____
10	f. Claim 34	_____	_____
11	g. Claim 42	_____	_____
12	h. Claim 47	_____	_____
13	i. Claim 50	_____	_____

FINDINGS ON DAMAGES

(Instruction Nos. _____)

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Directions: If you answered "No" as to invalidity for at least one of the asserted claims, please answer questions 29 and 30 below. Otherwise, skip to the last page and sign the verdict form.

Damages

~~29, 24.~~ **29, 25.** What sum of money, if any, would fairly and reasonably compensate Illumina for Defendants' ~~past~~ infringement? Please see the jury instructions on damages.

Answer in dollars.

\$ _____

Willful Infringement

~~30, 25.~~ **30, 25.** Has Illumina proven that it is more likely than not that Defendants' infringement was willful? Please see the jury instructions on willful infringement.

"Yes" is a finding that Defendants have willfully infringed. "No" is a finding that Defendants has not willfully infringed.

Yes _____ No _____

1 You have now reached the end of the verdict form and should review it to ensure it accurately reflects
2 your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the
3 spaces below and notify the Courtroom Deputy that you have reached a verdict. The Presiding Juror
4 should retain possession of the verdict form and bring it when the jury is brought back into the
5 courtroom.

6 Date: _____ By: _____
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8 Presiding Juror
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1 Date: October 25, 2021

/s/ Edward R. Reines

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